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Joint Subcommittee to Monitor the Implementation of the West Kowloon Cultural District Project

Background brief prepared by the Legislative Council Secretariat for the meeting on 24 January 2014

Minor relaxation of the development intensity of the West Kowloon Cultural District site

Purpose

This paper provides a summary of the deliberations of the Joint Subcommittee to Monitor the Implementation of the West Kowloon Cultural District Project ("the Joint Subcommittee") on the proposal of the West Kowloon Cultural District Authority ("WKCDA") for minor relaxation of the development intensity of the West Kowloon Cultural District ("WKCD") site.

Background

2. By virtue of section 21 of the West Kowloon Cultural District Authority Ordinance (Cap. 601) ("WKCDAO"), WKCDA is responsible for preparing a Development Plan ("DP") for WKCD, the main purpose of which is to lay out the WKCD area and set apart the land for various arts and cultural facilities; for other land uses such as commercial, hotel, retail and public open spaces; and for internal infrastructural projects. WKCDA submitted the DP to the Town Planning Board ("TPB") for consideration in December 2011 in accordance with WKCDAO. The draft DP was gazetted for public inspection under the Town Planning Ordinance (Cap. 131) ("TPO") in March 2012, and was approved by the Chief Executive in Council in January 2013.

3. According to the Administration, the DP prepared by WKCDA has complied with the development parameters for WKCD as specified in the South West Kowloon Outline Zoning Plan, which include a maximum plot ratio of 1.81, not more than 20% of the total plot ratio for residential use, provision of

not less than 23 hectares of public open space, and maximum building heights ranging from 50 to 100 metres above Principal Datum. Under the DP, development control for each sub-zone is stipulated in terms of maximum gross floor area ("GFA") and building height restrictions.

4. At the meeting of the Joint Subcommittee on 3 July 2013 when the subject of the financial situation of and arrangements for the WKCD project was discussed, the Joint Subcommittee was advised that WKCD was considering to apply for minor relaxation of the GFA and/or building height restrictions on the WKCD site under section 16 of TPO for the purpose of optimizing the development potential of WKCD. The Joint Subcommittee was further advised at its meeting on 29 November 2013 that WKCD intended to submit an application for minor relaxation of the total GFA restriction on the WKCD site to TPB around March 2014, subject to confirmation of the feasibility of the proposal. WKCD undertook to consult the Joint Subcommittee and relevant stakeholders including the Yau Tsim Mong District Council and the Harbourfront Commission in early 2014.

Deliberations of the Joint Subcommittee

5. Issues relating to WKCD's proposal for minor relaxation of the development intensity of the WKCD site were briefly discussed at the meetings of the Joint Subcommittee on 25 February, 8 April, 3 July and 29 November 2013. Members' deliberations are summarized in the ensuing paragraphs.

Justifications for the proposal

6. Some members were of the view that given the scarcity of land resources in Hong Kong and the calls of the arts and cultural sectors for providing more arts and cultural facilities in WKCD, consideration might be given to increasing the plot ratio of the WKCD site to facilitate better utilization of the WKCD site. Some members, on the other hand, queried WKCD's proposal to apply for minor relaxation of the GFA and/or building height restrictions on the WKCD site, for the reasons that the development density and approach for WKCD was the outcome of consultations over a long period of time, and the Secretary for Home Affairs ("SHA") had previously advised the Legislative Council ("LegCo") that any substantial amendment to DP would result in delay of the implementation timetable of the WKCD project. The Administration and WKCD were urged to provide more concrete details of the proposal.

7. According to the Administration, SHA's earlier advice was given in response to a proposal for a major increase of the plot ratio of the WKCD site under section 12A of TPO, which was a significant deviation from the approved WKCD DP and would require a much longer time for completing the statutory planning procedures including gazettal of the amended DP for the public to make representations and comments. The current proposal of WKCD, however, was to apply for minor relaxation of GFA and/or building height restrictions on the WKCD site under section 16 of TPO. Such an application was provided for under the approved DP and was subject to the approval of TPB in accordance with the established procedures under TPO.

8. Query was also raised as to why WKCD, on the one hand, applied for minor relaxation of the total GFA restriction on the WKCD site to generate additional GFA for various uses including retail/dining/entertainment ("RDE") facilities, but, on the other hand, planned to reduce the floor area of the RDE facilities in Xiqu Centre as part of its cost-saving efforts. WKCD explained that a reduction of the floor area of the RDE facilities in Xiqu Centre was proposed having regard to the design of Xiqu Centre with an atrium and the advice of retail experts, with the aim of enhancing the overall efficiency of the provision of RDE facilities in WKCD. In the view of WKCD, there was no inherent contradiction between the proposed reduction of the floor area of RDE facilities in Xiqu Centre and the proposed minor relaxation of the total GFA restriction of the WKCD site, as the former proposal sought to reduce a small amount of less efficient RDE area in a specific facility in WKCD, whereas the latter proposal aimed to increase the overall provision of the floor area for various uses, including RDE facilities, across the WKCD site. The rental proceeds from the RDE facilities, which would be incorporated in the arts and cultural facilities, hotel, office and residential ("HOR") developments as well as other facilities in WKCD, would provide a major source of recurrent income for WKCD to run the facilities in WKCD.

Landscape and visual impacts of the proposal

9. Some members cautioned that any proposal for increasing the plot ratio of the WKCD site should be considered strictly on a need basis, and due regard should be given to the impact on the landscape and visual aspects of the surrounding areas. The Administration and WKCD assured members that they would seek to ensure that the WKCD project would not be adversely affected before proceeding with the proposal to apply for minor relaxation of the GFA and/or building height restrictions on the WKCD site. If the proposal was to proceed, relevant assessments including traffic impact assessment and environmental review would be conducted to ascertain that the proposal would not generate unacceptable impacts to the surrounding areas.

Uses of the additional GFA generated

10. Concern was expressed about whether the additional GFA generated from the proposed minor relaxation of the GFA and/or building height restrictions on the WKCD site would be vested in WKCDA. There was a view that the additional GFA generated should be devoted solely to arts and cultural uses to meet the aspirations of the local arts community.

11. The Administration pointed out that under the approved DP, WKCD was subject to a maximum plot ratio of 1.81, of which about 50% of the total GFA would be deployed for HOR uses and the relevant sites would be disposed of separately by the Government, whereas the remaining about 50% of the total GFA would be vested in WKCDA for the development of arts and cultural facilities as well as RDE facilities. Following this development mix for WKCD, possible uses of the additional GFA generated would include other arts and cultural facilities, RDE facilities as well as HOR uses. There was a suggestion that part of the additional GFA be vested in WKCDA for provision of more RDE facilities which would increase its recurrent revenue. Other possible uses of the additional GFA, such as providing additional facilities demanded by the arts sector (e.g. affordable serviced apartments for visiting artists), would also be considered.

Latest development

12. The Administration and WKCDA will brief the Joint Subcommittee on the proposal for minor relaxation of the development intensity of the WKCD site at the meeting on 24 January 2014.

Relevant papers

13. A list of the relevant papers on the LegCo Website is in the **Appendix**.

Appendix

Relevant papers on Minor relaxation of the development intensity of the West Kowloon Cultural District site

Committee	Date of meeting	Paper
Joint Subcommittee to Monitor the Implementation of the West Kowloon Cultural District Project	25.2.2013 Item III	Agenda Minutes
	8.4.2013 Item II	Agenda Minutes
	3.7.2013 Item II	Agenda Minutes
	29.11.2013 Item III	Agenda

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